

unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated."

**Sec. 11.** G.S. 20-17(4) reads as rewritten:

"(4) Failure to stop and render aid as required under the laws of this State in the event of a motor vehicle accident in violation of G.S. 20-166(a) or (b)."

**Sec. 12.** Chapter 20 of the General Statutes is amended by adding a new section to read:

" § 20-138.2. Impaired driving in commercial vehicle.

(a) Offense. -- A person commits the offense of impaired driving in a commercial motor vehicle if he drives a commercial motor vehicle upon any highway, any street, or any public vehicular area within the State:

- (1) While appreciably under the influence of an impairing substance; or
- (2) After having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.04 or more.

(b) Defense Precluded. -- The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense to a charge under this section.

(c) Pleading. -- To charge a violation of this section, the pleading is sufficient if it states the time and place of the alleged offense in the usual form and charges the defendant drove a commercial motor vehicle on a highway, street, or public vehicular area while subject to an impairing substance.

(d) Implied Consent Offense. -- An offense under this section is an implied consent offense subject to the provisions of G.S. 20-16.2.

(e) Punishment: Effect When Impaired Driving Offense Also Charged. -- The offense in this section is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00), up to two years imprisonment, or both. This offense is not a lesser included offense of impaired driving under G.S. 20-138.1, but if a person is convicted under this section and of an offense involving impaired driving under G.S. 20-138.1 arising out of the same transaction, the aggregate punishment imposed by the Court may not exceed the maximum punishment applicable to the offense involving impaired driving under G.S. 20-138.1.

(f) Limited Driving Privilege. -- A person convicted of the offense of impaired driving under this section is not eligible for a limited driving privilege to operate a commercial motor vehicle. If a person is convicted under this section and under G.S. 20-138.1, he may be